D.B. CIVIL SPECIAL APPEAL(W)NO.162/2006
Pramod Kumar Jain Vs.State of Rajasthan & Ors.

DATE OF ORDER :: 02-03-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Vimal Choudhary, for the appellant.

This appeal is directed against the order of the learned Single Judge dated 25.11.2005 in SBCWP no.8897/2004 dismissing the writ petition of the appellant as infructuous.

The dispute relates to admissibility of report of Forensic Science Laboratory(FSL) and the documents with reference to which FSL submitted its report. Report of the FSL was obtained in connection with a criminal case. A suit is pending in civil court and the appellant apprehends that the report may be used in the suit. We are of the view that the objection of admissibility/relevancy has to be taken before the Court concerned at the time of arguments. In case the report is taken in evidence and the suit is decided against the appellant placing reliance on the document/report, it is open to the appellant to challenge the judgment in accordance with law. In this view of the matter, the grievance projected in the writ petition appears to be pre-mature.

We are thus not inclined to interfere in the matter. The appeal is disposed of.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen